

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

Ross Eriksmoen, Inc., d/b/a/ T&R Transport,	)	
	)	
Plaintiff,	)	<b>ORDER DENYING MOTION TO SUSPEND SCHEDULING ORDER AND RESETTING DEADLINES</b>
	)	
vs.	)	
	)	
Continental Resources, Inc.,	)	
	)	Case No. 4:13-cv-107
Defendant.	)	

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Before the court is a “Motion to Suspend Scheduling Order” filed by plaintiff Ross Eriksmoen, Inc., on October 21, 2014. Plaintiff requests that all scheduling deadlines, as they apply to plaintiff, and plaintiff’s time for responding to defendant Continental Resources, Inc.’s, “Motion to Amend Counterclaim to Add Exemplary Damages Claim,” be suspended until certain discovery issues are resolved. Defendant opposes the motion, but does not object to extending plaintiff’s deadline for responding to the motion to amend or to extending other scheduling deadlines so long as the deadlines are extended as to both parties and the trial date is not impacted.

On November 4, 2014, the court held a telephonic status conference to discuss the motion. Michael D. Nelson appeared on plaintiff’s behalf. Robert W. Dace and Andrew J. Morris appeared on defendant’s behalf. As stated during the call, plaintiff’s motion to suspend the scheduling order (Docket No. 39) is **DENIED**. However, as agreed to by the parties, the existing Scheduling Order is **AMENDED** to provide that:

1. The parties shall have until April 15, 2015, to complete fact discovery and to file discovery motions.

2. The parties shall provide the names of expert witnesses and complete reports under Rule 26(a)(2) for expert witness that will testify as to damages by:

Plaintiff: April 15, 2015

Defendant: March 15, 2015

The parties shall provide the names of expert witnesses and complete reports under Rule 26(a)(2) for expert witnesses (other than expert witnesses that will testify as to damages) by:

Plaintiff: March 15, 2015

Defendant: April 15, 2015

3. The parties shall have until May 15, 2015, to complete discovery depositions of expert witnesses.
4. Defendant shall have until April 17, 2015, to file a supplement to its “Motion to Amend Counterclaim to Add Exemplary Damages Claim” (Docket No. 31). Defendant shall file its response within twenty-one (21) days of the filing of defendant’s supplement or within twenty-one (21) days of April 17, 2015 if no supplement is filed. Plaintiff shall file its reply within fourteen (14) days of the filing of defendant’s response.

**IT IS SO ORDERED.**

Dated this 4th day of November, 2014.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court